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E-Filed on 5/6/08

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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT
 13 DISTRICT OF NEVADA**

14 In re:
 15 USA Commercial Mortgage Company,
 16 USA Capital Realty Advisors, LLC,
 17 USA Capital Diversified Trust Deed Fund,
 18 LLC,
 19 USA Capital First Trust Deed Fund, LLC,¹
 20 USA Securities, LLC,² Debtors.

21 Case No. BK-S-06-10725-LBR
 22 Case No. BK-S-06-10726-LBR
 23 Case No. BK-S-06-10727-LBR
 24 Case No. BK-S-06-10728-LBR¹
 25 Case No. BK-S-06-10729-LBR²

26 **CHAPTER 11**

Jointly Administered Under Case No.
 27 BK-S-06-10725 LBR

28 **AMENDED STATUS AND AGENDA
 29 FOR MAY 8, 2008 HEARINGS
 30 (Amended as to Item No. 1 at 9:30
 31 a.m.)**

32 Date of Hearings: May 8, 2008

33 Time of Hearings: 9:30 a.m.
 34 10:30 a.m.

35 **Affects:**

36 All Debtors
 37 USA Commercial Mortgage Company
 38 USA Capital Realty Advisors, LLC
 39 USA Capital Diversified Trust Deed Fund, LLC
 40 USA Capital First Trust Deed Fund, LLC
 41 USA Securities, LLC

42 **Agenda for 9:30 a.m.**

43 1. Adv. 07-01165-lbr, USA Capital Diversified Trust Deed Fund LLC v.
 44 Margaret B. McGimsey Trust et al., **Trial** [DE 19]

45 **Related Filing** Joint Trial Statement (including stipulated facts) [DE 20]
 46 4/3/08

47 ¹ This bankruptcy case was closed on October 12, 2007.

48 ² This bankruptcy case was closed on December 26, 2007.



1 12/17/2007 Order Re: Pre-Trial Matters; Trial; and Settlement Conference
 2 [DE 19]
 3 4/21/2008 Brief *Plaintiff USA Capital Diversified Trust Deed Fund, LLC's*
 4 *Trial Brief* Filed by ROBERT R. KINAS on behalf of USA
 5 CAPITAL DIVERSIFIED TRUST DEED FUND LLC (KINAS,
 6 ROBERT) [DE 22]
 7 5/01/2008 Brief *Defendants' Trial Brief* Filed by WILLIAM L. MCGIMSEY
 8 on behalf of JOHNNY CLARK, MARGARET B. MCGIMSEY
 9 TRUST, BRUCE MCGIMSEY, JERRY MCGIMSEY, SHARON
 10 MCGIMSEY (MCGIMSEY, WILLIAM) [DE 24]

8 **Status**

9
 10 2. **Objection to Claim 1279 of Lerin Hills Ltd in the amount of with**
 11 **Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING
 12 TRUST [DE 3080]

13 **Opposition Filed:** None

14 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*
 15 *Liquidating Trust Objections to Proofs of Claim and Motions to*
 16 *Classify Claims* Filed by ROB CHARLES on behalf of USACM
 17 LIQUIDATING TRUST [DE 3082].

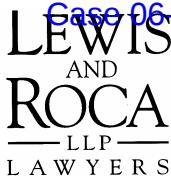
18 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and LERIN
 19 HILLS LTD *Continuing Hearing On Objection* Filed by ROB
 20 CHARLES on behalf of USACM LIQUIDATING TRUST [DE
 21 3392]

22 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
 23 Objection to Claim 1279 of LERIN HILLS LTD. [DE 3393]

24 **Reply Filed:** Reply to *Objection of the USACM Liquidating Trust to Proof of*
 25 *Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by
 26 MARJORIE A. GUYMON on behalf of MOUNTAIN WEST
 MORTGAGE, LLC [DE 3904]

27 **Stipulation Filed:** Second Stipulation By USACM LIQUIDATING TRUST and
 28 Lerin Hills Ltd. *Continuing Hearing on Objection* Filed by ROB
 29 CHARLES on behalf of USACM LIQUIDATING TRUST [DE
 30 3947]

31 **Related Filing:** Order Approving Second Stipulation to Continue the Hearing on
 32 Objection to Claim 1279 of LERIN HILLS LTD. [DE 3955]



1 **Stipulation Filed:** Stipulated Motion to Continue/Reschedule Hearing *on Second*
 2 6/25/2007 *Omnibus Objection to Claims Asserting Priority Status re Claim*
 3 *1279 of Lerin Hills* Filed by ROB CHARLES on behalf of
 4 USACM LIQUIDATING TRUST [DE 4050]
 5 6/26/2007 Stipulation Setting Hearing on Second Omnibus Objection to
 6 Claims Asserting Priority Status Re Claim 1279 of LERIN HILLS
 7 [DE 4060]
 8 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Lerin Hills
 9 10/10/2007 *Ltd. to Continue Hearing on Objection* Filed by ROB CHARLES
 10 on behalf of USACM LIQUIDATING TRUST [DE 4959]
 11 **Related Event:** Order Approving Stipulation to Continue the Hearing on
 12 10/11/2007 Objections to Claim 1279 of LERIN HILLS LTD. [DE 4968]
 13 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Lerin Hills
 14 12/06/2007 *to Continue Hearing on Objection* Filed by ROB CHARLES on
 15 behalf of USACM LIQUIDATING TRUST [DE 5444]
 16 **Related Event:** Order Approving Stipulation to Continue the Hearing on
 17 12/10/2007 Objections to Claim 1279 of LERIN HILLS LTD. [DE 5454]
 18 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
 19 2/15/2008 Lerin Hills Ltd. *to Continue February 21, 2008 Hearing on*
 20 *Objection to Claim 1279* Filed by ROB CHARLES on behalf of
 21 USACM LIQUIDATING TRUST [DE 5851]
 22 **Related Event:** Order Approving Stipulation to Continue the Hearing on
 23 2/19/2008 Objections to Claim 1279 of LERIN HILLS LTD in the Amount
 24 of \$1257233.40 as an Unsecured Non-Priority Claim, and as a
 25 Priority Claim of \$797175.62[DE 5870]
 26 **Status** Continued from 2/21/2008. Counsel will be present to discuss the
 27 status of this matter. Please note that counsel is traveling from
 28 Tucson on the first available flight and the omnibus hearing was
 29 postponed to 10:30 a.m. to accommodate the flight schedule.

3. **Second Omnibus Objection to Claims Asserting Priority Status**
 4. *(pertaining to Lerin Hills and Rieger)* filed by ROB CHARLES on behalf of USACM
 5. LIQUIDATING TRUST [DE 3259]

6 **Stipulation Filed:** Stipulated Motion to Continue/Reschedule Hearing *on Second*
 7 6/25/2007 *Omnibus Objection to Claims Asserting Priority Status re Claim*
 8 *1279 of Lerin Hills* Filed by ROB CHARLES on behalf of

**LEWIS
AND
ROCA
LLP
LAWYERS**

USACM LIQUIDATING TRUST [DE 4050]

6/26/2007 Stipulation Setting Hearing on Second Omnibus Objection to Claims Asserting Priority Status Re Claim 1279 of LERIN HILLS (Related document(s) [4050]) Hearing scheduled 10/15/2007 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg.. [DE 4060]

Related Event: Order Sustaining Second Omnibus Objection of the USACM LIQUIDATING TRUST to Claims Asserting Priority Status [DE 4087]
6/29/2007

Related Event: Order Scheduling Hearing on 12/20/2007 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg [DE 5337]
11/15/2007

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Between
12/06/2007 Lerin Hills to Continue Hearing on Objection to Claim 1279 Filed
by ROB CHARLES on behalf of USACM LIQUIDATING
TRUST [DE 5444]

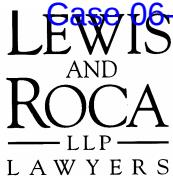
Related Event: Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD. in the Amount of \$1,257,233.30 as an Unsecured Non-Priority Claim, and as a Priority Claim of \$797,175.62 [DE 5454]
12/10/2007

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Between
2/15/2008 Lerin Hills Ltd. to Continue February 21, 2008 Hearing on
Objection to Claim 1279 Filed by ROB CHARLES on behalf of
USACM LIQUIDATING TRUST [DE 5851]

Related Event: Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD in the Amount of \$1257233.40 as an Unsecured Non-Priority Claim, and as a Priority Claim of \$797175.62 DE 5870]

2/19/2008

Status: Hearing continued from 4/26/2007; 6/15/2007; 10/15/2007; 12/14/2007; 12/20/2007; and 2/21/2008. Counsel for the USACM Trust has been in contact with Ms. Patsy Rieger who will be unable to attend due to earth quake damage to her home. The Trust is working with the Riegers to explain the accounting in order to try to resolve the priority claim. The Lerin Hills claim should be addressed as part of agenda item No. 2 above. Please note that counsel for USACM Trust is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.



1 4. **Objection to Claim 792 of Copper Sage Commercial Center LLC in the**
2 **amount of \$3,500,000.00 with Certificate of Service filed by ROB CHARLES on behalf**
3 **of USACM LIQUIDATING TRUST [DE 3077]**

3 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*
4 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*
5 *Classify Claims Filed by ROB CHARLES on behalf of USACM*
6 *LIQUIDATING TRUST [DE 3082].*

6 **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN
7 4/19/2007 WILLIAMS SCANN on behalf of COPPER SAGE COMMERCE
8 CENTER [DE 3502]

8 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Copper
9 4/24/2007 Sage Commercial Center LLC *to Continue Hearing on Objection*
10 *Filed by ROB CHARLES on behalf of USACM LIQUIDATING*
11 *TRUST [DE 3537]*

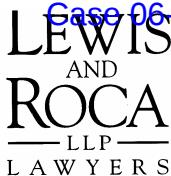
11 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
12 4/24/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL
13 CENTER LLC [DE 3543]

13 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Copper
14 12/10/2007 Sage Commercial Center LLC *to Continue Hearing on Objection*
15 *Filed by ROB CHARLES on behalf of USACM LIQUIDATING*
16 *TRUST [DE 5460]*

16 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
17 12/11/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL
18 CENTER LLC [DE 5473]

18 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
19 2/14/2008 Copper Sage Commercial Center LLC *Continuing Hearing on*
20 *Objection to Claim No. 792 Filed by ROB CHARLES on behalf of*
21 *USACM LIQUIDATING TRUST [DE 5849]*

21 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
22 2/19/2008 Objection to Claim 792 of COPPER SAGE COMMERCIAL
23 CENTER LLC (Related document(s)[5849] Stipulation, filed by
24 Interested Party USACM LIQUIDATING TRUST.) [DE 5872]



1 **Status**

2 Continued from 2/21/2008. Counsel for the Trust will be present
 3 to address the status of the matter and counsel for Copper Sage is
 4 expected to be present as well. Please note that counsel is
 5 traveling from Tucson on the first available flight and the omnibus
 6 hearing was postponed to 10:30 a.m. to accommodate the flight
 7 schedule.

6 **5. Status Hearing Re: Eighth Omnibus Objection (Pertaining to Claim filed
 7 by John Dutkin) filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST
 8 [DE 3147]**

9 **Response Filed:**
 10 4/19/2007

8 Response with Certificate of Service Filed by GEORGE D
 9 FRAME on behalf of JOHN DUTKIN [DE 3512]

10 **Related Event:**
 11 6/29/2007

10 Order Sustaining Eighth Omnibus Objection of the USACM
 11 LIQUIDATING TRUST to Claims Asserting Secured Status [DE
 12 4079]

13 **Related Filings:**
 14 7/30/2007

13 Motion for Summary Judgment Regarding (1) Responses To The
 14 USACM Trust's First Through Thirty-Third Omnibus Objections
 15 To Claims Asserting A Secured Status; (2) Responses to USACM
 16 Trust's First Through Third Omnibus Objections to Claims
 17 Asserting A Priority Status; and (3); Newly Alleged Secured And
 18 Priority Claims Filed by ROB CHARLES on behalf of USACM
 19 LIQUIDATING TRUST [DE 4291]

20 **Response Filed:**
 21 8/17/07

20 Response with Certificate of Service & *Objection of USA
 21 COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN
 22 TRUST Asserting Secured Status* Filed by GEORGE D FRAME
 23 on behalf of JOHN DUTKIN [DE 4628]

24 **Related Event:**
 25 1/22/2008

24 Order Requiring Supplemental Briefing on the USACM TRUST's
 25 Eighth Omnibus Objection to Claims Asserting a Secured Status
 26 as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]

27 1/31/2008

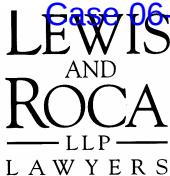
27 Supplemental Brief Filed by GEORGE D FRAME on behalf of
 28 JOHN DUTKIN [DE 5768]

29 2/01/2008

29 Deadline Set/Terminated Motion for Exceptional Circumstances
 30 due by 2/11/2008 [DE 5770]

31 2/8/2008

31 Supplemental Brief in *Support of Eighth Omnibus Objection to
 32 Claims Asserting a Secured Status as that Objection Pertains to
 33 the Dutkin Claim* Filed by ROB CHARLES on behalf of USACM
 34 LIQUIDATING TRUST [DE 5804]



Status: Hearing continued from 4/26/2007; 6/15/2007; 12/14/2007; 12/20/2007; 2/21/2008; and 4/17/2008. The USACM Trust expects that once the Dutkin Trust's claims in the interpleader are resolved the Dutkin Trust will stipulate that the Court may grant summary judgment to USACM Trust. If not, the USACM Trust is prepared to argue the Objection along with the Motion for Summary Judgment. Please note that counsel is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.

6. Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in the amount of \$2,048,000.00 with Certificate of Service filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3078]

Related Filing: Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082].
3/13/2007

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3485]
4/18/2007

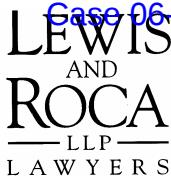
Related Filing: Order Approving Stipulation to Continue the Hearing on Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILL [DE 3519]
4/23/2007

Reply Filed: *Reply to Objection of the USACM Liquidating Trust to Proof of Claim File by Lerin Hills LTD (Claim No. 203 & 1279) Filed by MARJORIE A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE, LLC [DE 3904]*
6/06/2007

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4962]
10/11/2007

Related Event: Order Approving Stipulation to Continue the Hearing on
10/11/2007 Objection to Claim 203 of MOUNTAIN WEST MORTGAGE
CO./LERIN HILLS [DE 4965]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain
12/07/2007 West Morgage Co./Lerin Hills *Continuing Hearing on Objection*



1 Filed by ROB CHARLES on behalf of USACM LIQUIDATING
 2 TRUST [DE 5448]

3 **Related Event:** Order Approving Stipulation to Continue the Hearing on
 4 12/11/2007 Objection to Claim 203 of MOUNTAIN WEST MORTGAGE
 CO./LERIN HILLS [DE 5467]

5 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
 6 2/14/2008 Mountain West Mortgage Co./Lerin Hills Filed by ROB
 7 CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5848]

8 **Related Event:** Order Approving Stipulation to Continue the Hearing on
 9 2/19/2008 Objection to Claim 203 of MOUNTAIN WEST MORTGAGE
 CO/LERIN HILLS [DE 5874]

10 **Status** Continued from 2/21/2008. Counsel for the USACM Trust will
 11 be present to discuss the status of the matter and expects that
 12 counsel for Mountain West Mortgage will also be present. Please
 13 note that counsel is traveling from Tucson on the first available
 flight and the omnibus hearing was postponed to 10:30 a.m. to
 accommodate the flight schedule.

14 **Agenda for 10:30 a.m.**

15 1. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in***
 16 ***Goss Road Loan with Certificate of Service*** filed by ROB CHARLES on behalf of
 17 USACM LIQUIDATING TRUST [DE 6094]

18 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 19 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in Goss*
 20 *Road Loan with Certificate of Service* Filed by ROB CHARLES
 21 on behalf of USACM LIQUIDATING TRUST [DE 6098]

22 **Status** No Response Filed

23 2. ***Second Omnibus Objection to Proofs of Claim Based Upon Investment in***
 24 ***Goss Road Loan with Certificate of Service*** filed by ROB CHARLES on behalf of
 25 USACM LIQUIDATING TRUST [DE 6096]



1 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 2 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in Goss*
 3 *Road Loan with Certificate of Service Filed by ROB CHARLES*
 on behalf of USACM LIQUIDATING TRUST [DE 6098]

4 **Status** No Response Filed

5 **3. First Omnibus Objection to Proofs of Claim Based Upon Investment in**
 6 **Elizabeth May Real Estate Loan with Certificate of Service** filed by ROB CHARLES on
 7 behalf of USACM LIQUIDATING TRUST [DE 6099]

8 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 9 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
 10 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 by ROB CHARLES on behalf of USACM LIQUIDATING
 11 TRUST [DE 6113]

12 **Status** No Response Filed

13 **4. Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part,**
 14 **Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service** filed
 by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6101]

15 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 16 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
 17 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 by ROB CHARLES on behalf of USACM LIQUIDATING
 18 TRUST [DE 6113]

19 **Status** No Response Filed

20 **5. Third Omnibus Objection to Proofs of Claim Based Upon Investment in**
 21 **Elizabeth May Real Estate Loan with Certificate of Service** filed by ROB CHARLES on
 behalf of USACM LIQUIDATING TRUST [DE 6103]

22 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 23 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
 24 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 by ROB CHARLES on behalf of USACM LIQUIDATING
 25 TRUST [DE 6113]

26 **Status** No Response Filed



1 6. ***Fourth Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 2 ***Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed
 3 by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6105]

4 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
 5 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 6 *by ROB CHARLES on behalf of USACM LIQUIDATING*
 7 *TRUST [DE 6113]*

8 **Status** No Response Filed

9 7. ***Fifth Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 10 ***Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed
 11 by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6107]

12 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 13 *Objections to Proofs of Claim Based Upon Investment in*
 14 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 15 *by ROB CHARLES on behalf of USACM LIQUIDATING*
 16 *TRUST [DE 6113]*

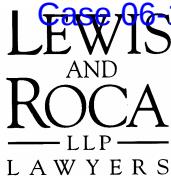
17 **Status** No Response Filed

18 8. ***Sixth Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 19 ***Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed
 20 by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6109]

21 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 22 *Objections to Proofs of Claim Based Upon Investment in*
 23 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 24 *by ROB CHARLES on behalf of USACM LIQUIDATING*
 25 *TRUST [DE 6113]*

26 **Status** No Response Filed

27 9. ***Seventh Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 28 ***Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed
 29 by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6111]



1 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 2 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
 3 *Elizabeth May Real Estate Loan with Certificate of Service Filed*
 4 *by ROB CHARLES on behalf of USACM LIQUIDATING*
 5 *TRUST [DE 6113]*

6 **Status** No Response Filed
 7

8 10. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in***
 9 ***Slade Development, Inc. Loan with Certificate of Service*** filed by ROB CHARLES on
 10 behalf of USACM LIQUIDATING TRUST [DE 6116]

11 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 12 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in Slade*
 13 *Development, Inc. Loan* Filed by ROB CHARLES on behalf of
 14 USACM LIQUIDATING TRUST [DE 6120]

15 **Status** No Response Filed
 16

17 11. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 18 ***Upon Investment in Slade Development, Inc. Loan with Certificate of Service*** filed by
 19 ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6118]

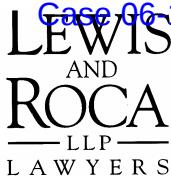
20 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 21 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in Slade*
 22 *Development, Inc. Loan* Filed by ROB CHARLES on behalf of
 23 USACM LIQUIDATING TRUST [DE 6120]

24 **Status** No Response Filed
 25

26 12. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in***
 27 ***Wasco Investments, LLC Loan with Certificate of Service*** filed by ROB CHARLES on
 28 behalf of USACM LIQUIDATING TRUST [DE 6121]

29 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 30 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in Wasco*
 31 *Investments, LLC Loan* Filed by ROB CHARLES on behalf of
 32 USACM LIQUIDATING TRUST [DE 6127]

33 **Status** No Response Filed
 34



1 13. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 2 ***Upon Investment in Wasco Investments, LLC Loan with Certificate of Service*** filed by
 2 ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6123]

3 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 4 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in Wasco*
 5 *Investments, LLC Loan* Filed by ROB CHARLES on behalf of
 5 USACM LIQUIDATING TRUST [DE 6127]

6 **Status** No Response Filed

7 14. ***Third Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 8 ***Upon Investment in Wasco Investments, LLC Loan with Certificate of Service*** filed by
 9 ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6125]

10 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 11 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in Wasco*
 12 *Investments, LLC Loan* Filed by ROB CHARLES on behalf of
 12 USACM LIQUIDATING TRUST [DE 6127]

13 **Status** No Response Filed

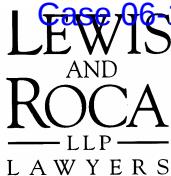
14 15. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in I-***
 15 ***40 Gateway West, LLC 2nd Loan with Certificate of Service*** filed by ROB CHARLES
 16 on behalf of USACM LIQUIDATING TRUST [DE 6128]

17 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 18 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in I-40*
 19 *Gateway West, LLC 2nd Loan* Filed by ROB CHARLES on
 19 behalf of USACM LIQUIDATING TRUST [DE 6132]

20 **Status** No Response Filed

21 16. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
 22 ***Upon Investment in I-40 Gateway West, LLC 2nd Loan with Certificate of Service***
 23 filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6130]

24 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
 25 4/04/2008 *Objections to Proofs of Claim Based Upon Investment in I-40*
 26 *Gateway West, LLC 2nd Loan* Filed by ROB CHARLES on
 26 behalf of USACM LIQUIDATING TRUST [DE 6132]



1 4/30/2008 Notice of *Errata to Second Omnibus Objection to Proofs of Claim*
 2 Based Upon Investment in the I-40 Gateway West LLC 2nd Loan
 3 with Certificate of Service Filed by ROB CHARLES on behalf of
 USACM LIQUIDATING TRUST [DE 6279]

4 Status No Response Filed

5
 6 17. Adversary 06-01212-lbr Binford Medical Developers, LLC et al. v Fidelity
 National Title Group et al., Status Conference re: **Amended Complaint** Filed by SUSAN
 7 WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC against
 COMPASS FINANCIAL PARTNERS LLC [DE 80]

8
 9 **Answer Filed:** Answer to Amended Complaint [DE 89]
 10 10/05/2007

11 **Counterclaim Filed:** 10/05/2007 Counterclaim by COMPASS FINANCIAL PARTNERS LLC
 12 against BINFORD MEDICAL DEVELOPERS, LLC [DE 91]

13 **4/11/2008** Stipulation and Order Dismissing FIDELITY NATIONAL TITLE
 COMPANY with Prejudice [DE 123]

14 **Status:** Continued from 4/17/2008

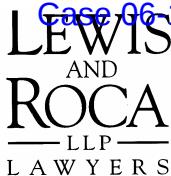
15 18. **Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS in the**
 amount of filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL
 16 MORTGAGE COMPANY [DE 2033]

17 **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN
 18 WILLIAMS SCANN on behalf of BINFORD MEDICAL
 DEVELOPERS, LLC [DE 2329]

19 **Reply Filed** Reply *In Support of Objection to Claim 784 of BINFORD*
 20 MEDICAL DEVELOPERS Filed by LENARD E.
 SCHWARTZER on behalf of USA COMMERCIAL
 21 MORTGAGE COMPANY [DE 2378]

22 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
 23 Binford Medical Developers *Continuing Hearing on Objection to*
 Claim 784 of Binford Medical Developers Filed by ROB
 24 CHARLES on behalf of USACM LIQUIDATING TRUST
 [DE 4977]

25 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
 26 Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS
 LLC [DE 4988]



1 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
 2 12/11/2007 Binford Medical Developers *Continuing Hearing on Objection to*
 3 *Claim 784 Filed by ROB CHARLES on behalf of USACM*
 4 *LIQUIDATING TRUST [DE 5464, 5474]*

5 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
 6 12/12/2007 Objection to Claim 784 of BINFORD MEDICAL
 7 DEVELOPERS, LLC [DE 5479]

8 **1/22/2008** Order Tentatively Approving Settlement and Compromise of
 9 Claim [DE 114]

10 **Status:** Hearing continued from 1/17/2008; 3/15/2007; 4/26/2007;
 11 6/15/2007; 10/25/2007; 12/14/2007; 1/11/2008; 2/04/2008 and
 12 4/17/2008. The parties stipulated to allow the Binford claim in
 13 the amount of \$925,000 by stipulation and order filed in Adv.
 14 Case No. 06-1212 (LBR) [DE 114 and 121]. The Court approved
 15 that stipulation. The relevant order from the adversary proceeding
 16 was also entered in this bankruptcy matter. [DE 5925.] Counsel
 17 for the Trust will be present to discuss the status of this matter.

18 19. **Adv. 06-01251-lbr USACM Liquidating Trust v. Reale et al, Application**
 19 ***Motion to Supplement Findings of Fact and Conclusions of Law Pursuant to Federal***
 20 ***Rule of Civil Procedure 52(b)*** Filed by ERIC D MADDEN on behalf of USACM
 21 LIQUIDATING TRUST [DE 145]

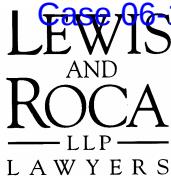
22 **Related Filings:** Motion for Order Shortening Time Filed by ERIC D. MADDEN
 23 4/03/2008 on behalf of USACM LIQUIDATING TRUST [DE 146]

24 4/08/08 Order Shortening Time to Hear USACM LIQUIDATING
 25 TRUST'S Motion to Supplement Findings of Fact and
 26 Conclusions of Law Pursuant to Federal Rule of Civil Procedure
 27 52(b) [DE 148]

28 4/23/08 Amended Motion to Supplement findings of Fact and Conclusions
 29 of Law Pursuant to Federal Rule of Civil Procedure 52(b) [DE
 30 152]

31 Status Continued from 4/17/2008. No opposition filed

32 20. Adversary 06-01146-lbr USA Commercial Mortgage Company v. Wells
 33 Fargo Bank, NA, et al, **STATUS HEARING RE: Amended Complaint FOR**
 34 **INTERPLEADER with Certificate of Service** Filed by DAVID W. HUSTON on behalf
 35 of USA COMMERCIAL MORTGAGE COMPANY against all defendants [DE 54]



1 **Answer Filed:**
 2 11/30/2006

Answer to Amended Complaint by *Tomlin Trust* (Related Doc # [54](#)), Crossclaim by Tomlin Trust, Donald S and Dorothy Tomlin Trustees against JOHN ROBERT MALLIN, MARIE THERESA MALLIN, GEORGE J. MOTTO Filed by GEORGE C LAZAR on behalf of Tomlin Trust, Donald S and Dorothy Tomlin Trustees [DE 75]

5 12/04/2006

Answer to Amended Complaint *with certificate of service* (Related Doc # [54](#)) Filed by C RANDALL BUPP ESQ on behalf of PORTER A HURT [DE 79]

7 3/20/08

Order Setting Status Conference Regarding Outstanding Issues in InterpleaderAction

9 **Status:**

Hearing continued from 12/15/2006; 2/15/2007; 3/15/2007; 3/27/2007; 5/31/2007; 7/27/2007; 12/14/2007; 2/21/2008 and 4/17/2008.

Counsel for the Trust will be present to provide the Court with a complete up date on the progress being made towards resolving the claims associated with the interpleader.

14 21. **Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

18 **Related Filings:**

The only unresolved claims are those filed by the Dutkin Trust

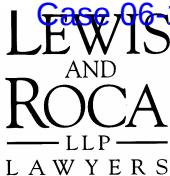
19 **Response Filed:**

20 8/17/07

Response with Certificate of Service & *Objection of USA COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN TRUST Asserting Secured Status* Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 4628]

22 9/14/2007

Supplemental *Statement of Facts in Support of Motion for Summary Judgment Regarding (1) Responses to the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a Secured Status; (2) Responses to USACM Trust's First through Third Omnibus Objections to Claims Asserting a Priority Status; and (3) Newly Alleged Secured and Priority Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4811]



1 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and John
 2 12/05/2007 Dutkin, Trustee *to Continue Hearing* Filed by ROB CHARLES
 3 on behalf of USACM LIQUIDATING TRUST [DE 5443]
 4 **Related Event:** Order Approving Stipulation to Continue the Hearing on Motion
 5 12/10/2007 for Summary Judgment Re DUTKIN's Claim [DE 5451]
 6 **Related Event:** Order Requiring Supplemental Briefing on the USACM TRUST's
 7 1/22/2008 Eighth Omnibus Objection to Claims Asserting a Secured Status
 8 as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]
 9 1/31/2008 Supplemental Brief Filed by GEORGE D FRAME on behalf of
 10 JOHN DUTKIN [DE 5768]
 11 2/01/2008 Deadline Set/Terminated Motion for Exceptional Circumstances
 12 due by 2/11/2008 [DE 5770]
 13 **Status:** Supplemental Brief *in Support of Eighth Omnibus Objection to*
 14 *Claims Asserting a Secured Status as that Objection Pertains to*
 15 *the Dutkin Claim* Filed by ROB CHARLES on behalf of USACM
 16 LIQUIDATING TRUST [DE 5804]
 17 **Status:** Continued from 4/17/2008. The only unresolved claims are those
 18 filed by the Dutkin Trust. The USACM Trust expects that when
 19 the Dutkin Trust's claims in the interpleader are resolved the
 20 Dutkin Trust will stipulate that the Court may grant summary
 21 judgment to USACM Trust. If not, the USACM Trust is prepared
 22 to argue the Motion for Summary Judgment.

23 22. Adv. 06-01167-lbr, USA Commercial Mortgage Company v. Robert J. Kehl,
 24 et al., **Motion for Summary Judgment And For Order Of Directing Release Of**
 25 **Funds**, Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 330]

26 **Stipulation Filed:** Stipulation and Order for Settlement as Between JOHN DUTKIN,
 27 2/04/2008 TRUSTEE OF THE JOHN DUTKIN REVOCABLE LIVING
 28 TRUST DATED 1/17/00 and FIRST TRUST COMPANY OF
 29 ONAGA, CUSTODIAN OF KAREN S. MOBERLY IRA [DE
 30 333]

31 **Limited**
 32 **Opposition Filed:** Limited Opposition with Certificate of Service *to JOHN*
 33 2/07/2008 *DUTKIN's Motion For Summary Judgment and For Order*
 34 *Directing Release of Funds* Filed by LENARD E.
 35 SCHWARTZER on behalf of USA CAPITAL FIRST TRUST
 36 DEED, USA COMMERCIAL MORTGAGE COMPANY [DE
 37 337]



1 **Status:** Hearing continued from 3/25/2008 and 4/17/2008.
 2

3 23. **Motion to Quash Subpoenas and or for Protective Order; Objection to**
 4 **Notices of 2004 Examination with Certificate of Mailing** Filed by SUSAN WILLIAMS
 5 SCANN on behalf of ROBERT A. RUSSELL [DE 6176]

6 **Status** No Response Filed
 7

8 24. **Motion to Extend Time Motion to Further Extend Deadline to File**
 9 **Objection to Allowance of Claims with Certificate of Service** Filed by ROB CHARLES
 10 on behalf of USACM LIQUIDATING TRUST [DE 6209]

11 **Related Event:** Declaration Of: Edward M. Burr *in Support of Motion to Further*
 12 4/14/2008 *Extend Deadline to File Objection to Allowance of Claims Filed*
 13 by ROB CHARLES on behalf of USACM LIQUIDATING
 14 TRUST [De 6210]

15 **Status** No Response Filed. The Motion to Extend and Notice of Hearing
 16 were posted on the Website.

17 25. **Motion for Summary Judgment to Classify Claim by Pecos Professional**
 18 **Park Limited Partnership in Plan Class A-7 With Certificate Of Service** Filed by ROB
 19 CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5122]

20 **Related Filing:** *Statement of Facts in Support of Motion for Summary Judgment to*
 21 10/29/2007 *Classify Claim by Pecos Professional Park Limited Partnership in*
 22 *Plan Class A-7 With Certificate Of Service Filed by ROB*
 23 *CHARLES on behalf of USACM LIQUIDATING TRUST [DE*
 24 *5123]*

25 **Opposition Filed:** Opposition Filed by TY E. KEHOE on behalf of LUCIUS
 26 12/04/2007 BLANCHARD [DE 5432]

27 **Reply Filed:** Reply with Certificate of Service *in Support of Motion for*
 28 12/17/2007 *Summary Judgment to Classify Claim by Pecos Professional Park*
 29 *Limited Partnership in Plan Class A-7 Filed by ROB CHARLES*
 30 *on behalf of USACM LIQUIDATING TRUST [DE 5493]*

31 **Related Filing:** Order Postponing Hearing on Motion for Summary Judgment to
 32 1/16/2008 Classify Claim by PECOS PROFESSIONAL PARK LIMITED
 33 PARTNERSHIP in Plan Class A-7 [DE 5677]



Stipulation filed: 3/11/2008	Stipulation By LUCIUS BLANCHARD and Between Hantges Bankruptcy Estate Trustee Filed by TY E. KEHOE on behalf of LUCIUS BLANCHARD [DE 5969]
4/25/2008	Stipulation By USACM LIQUIDATING TRUST and Between Pecos Professional Park Limited Partnership <i>in Plan Class A-7</i> <i>Continuing Status Hearing on USACM Trust's Motion for</i> <i>Summary Judgment to Classify Claim</i> Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6240]
Related Filing: 4/25/2008	Order Continuing Status Hearing on USACM TRUST's Motion for Summary Judgment to Classify Claim by PECOS PROFESSIONAL PARK LIMITED PARTNERSHIP IN PLAN CLASS A-7 [DE 6252]
Status:	This matter is fully briefed and ready for oral argument.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)
Susan M. Freeman, AZ 4199 (*pro hac vice*)
Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
Counsel for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail on May 6, 2008 to the parties listed on Post-Effective Official Service List for Limited Notice No. 4 Dated January 8, 2008.

/s/ Christine E Laurel
Christine E Laurel
Lewis and Roca LLP